



Atty. Dkt. No. 030502-0147
Serial No. 10/046,968

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reinhold Holtkamp, Sr.
Title: Multiflorescence Trait in African Violets
Appl. No.: 10/046,968
Filing Date: January 17, 2002
Examiner: W. Haas
Art Unit: 1661

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TERMINAL DISCLAIMER

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, International Plant Breeding AG, having its principal place of business at Koenizstrasse 230, Liebefeld, CH-3097 Switzerland; (hereinafter represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/046,968, filed 01/17/2002, by virtue of an Assignment filed and recorded on 01/17/2002, on Reel/Frame 012503/0108, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Plant Patents PP13,786; PP13,789; PP13,818; and PP13,842 which were all filed 01/17/2002, by virtue of Assignments filed and recorded on 01/17/2002, on Reel/Frame 012496/0337 for PP13, 786; Reel/Frame 012503/0105 for PP13,789; Reel/Frame 012496/0304 for PP13,818; and Reel/Frame 012503/0870 for PP13,842

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in the United States Patent and Trademark Office, copies of which is attached hereto as APPENDIX B, APPENDIX C, APPENDIX D, and APPENDIX E respectively.

Your Petitioner, International Plant Breeding AG, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/046,968 which would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patents PP13,786; PP13,789; PP13,818, and PP13,842; and hereby agrees that any patent so granted on U.S. Patent Application 10/046,968 shall be enforceable only for and during such period that the legal title to U.S. Patents PP13,786; PP13,789; PP13,818; and PP13,842 shall be the same as the legal title to any patent granted on U.S. Patent Application 10/046,968, this agreement to run with any patent granted on U.S. Patent Application 10/046,968 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/046,968, prior to the full statutory term of U.S. Patents PP13,786; PP13,789; PP13,818; and PP13,842 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patents PP13,786; PP13,789; PP13,818; and PP13,842 are held unenforceable or are found invalid in a final judgment by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), have all claims canceled by a reexamination certificate or as a result of an interference proceeding, or are otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory terms of U.S. Patents PP13,786; PP13,789; PP13,818; and PP13,842; as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S.

Patent Application 10/046,968 that would extend beyond the present termination of U.S. Patents PP13,786; PP13,789; PP13,818; and PP13,842, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/046,968 to the extent provided by law.

The undersigned, being the Attorney of Record for U.S. Patent Application 10/046,968, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A to E, and to the best of his knowledge and belief, legal title to U.S. Patent Application 10/046,968 and U.S. Patents PP13,786; PP13,789; PP13,842; and PP13,818 rests with Petitioner, International Plant Breeding AG. The undersigned declares that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

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Respectfully submitted,

Date November 3, 2003

By Richard C. Peet

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